

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE <i>EX PARTE</i> APPLICATION OF WEST	:	
AFRICAN MINERAL TRADING LTD. AND	:	
TIBERIUS GROUP AG FOR AN ORDER TO	:	Misc. Action No. 24-114
OBTAIN DISCOVERY FOR USE IN A	:	
FOREIGN PROCEEDING	:	

EX PARTE APPLICATION FOR ORDER PURSUANT TO 28 U.S.C. § 1782

West African Mineral Trading Ltd. (“WAMT”) and Tiberius Group AG (“Tiberius”) (collectively, “Applicants”), hereby submit their *Ex Parte* Application to this Court for an Order, pursuant to 28 U.S.C. § 1782 and Rules 26, 30, and 45 of the Federal Rules of Civil Procedure, granting the Applicants leave to serve subpoenas upon Citibank N.A., Deutsche Bank Trust Company Americas, HSBC Bank USA N.A., Bank of New York Mellon, UBS AG, JP Morgan Chase Bank, N.A. and Bank of America. (collectively, “the Domestic Banks”). The Applicants request this Order *ex parte* because courts routinely grant such applications *ex parte*, and the applicable statute does not require otherwise. *See, e.g., In re Gushlak*, No. 11-MC-218 (NGG), 2012 WL 1514824, at *3 n.4 (E.D.N.Y. Apr. 30, 2012) (“courts routinely grant § 1782 applications *ex parte*, limiting respondents’ challenges to after the subpoena is served”) (citing, *inter alia*, *In re Esses*, 101 F.3d 873 (2d Cir. 1996); *In re Aldunate*, 3 F.3d 54 (2d Cir. 1993); *In re Godfrey*, 526 F. Supp. 2d 417 (S.D.N.Y. 2007)).

JURISDICTION

The Court’s jurisdiction to hear and grant this Application arises under 28 U.S.C. § 1782, and Fed. R. Civ. P. Rules 26, 30, and 45.

RELIEF SOUGHT

This Application is supported by the accompanying Memorandum of Law, the Proposed Order, and the Declarations of Courtney Scott and Michael Meredith, and the documents attached thereto.

As explained herein and in the accompanying Memorandum of Law, the Applicant seeks documents from the Domestic Banks in connection with currently pending and contemplated foreign proceedings involving the Applicants, Rebeka Babic and Malcomines Limited, and/or its principals and related entities, (collectively, the “Target Entities”) currently pending in Nigeria, the United Arab Emirates and Croatia. The specific documents that the Applicants seek from the Domestic Banks in this Application relate to the Domestic Banks’ correspondent banking relationships with financial institutions used by the Target Entities. The Applicants seek these documents to allow them to trace transfers of funds by and assets of the Target Entities for the purpose of monitoring compliance with and enforcing the Mareva Injunction issued by the High Court of Lagos State in Nigeria, and in connection with pending and contemplated legal proceedings against the Target Entities in the United Arab Emirates, Croatia and elsewhere.

The Applicants respectfully request that this Court issue an order pursuant to 28 U.S.C. § 1782 permitting the Applicants to serve the subpoenas attached as Exhibits 1 through 7 to the Declaration of Courtney E. Scott submitted in support of this Application.

Dated: New York, New York
March 11, 2024

Respectfully submitted,
TRESSLER LLP

By: 

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